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KHAN MICHAEL ORDONEZ

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

KHAN MICHAEL ORDONEZ,

Plaintiff

vs.

FRONTIER AIRLINES, REPUBLIC  
AIRWAYS HOLDINGS, ROBERT  
SORENSEN an individual and DOES 1-20. ,

Defendant

Case No.: C 13-00940 MEJ

PLAINTIFF'S NOTICE OF MOTION AND  
MOTION TO REMAND TO STATE COURT

Date: April 29, 2013  
Time: 10:00 a.m.  
Courtroom: B  
Judge: Hon. Thelton E. Henderson

Removal Filed: March 1, 2013  
Trial Date: TBD

**NOTICE OF MOTION AND MOTION**

**TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

PLEASE TAKE NOTICE THAT, on April 29, 2013 at 10:00am in the courtroom of the Honorable Thelton E. Henderson, United States District Court Judge, located at 450 Golden Gate Avenue, San Francisco, California, or as soon thereafter as counsel may be heard, Plaintiff Khan Michael Ordonez, by and through counsel, will move and hereby do move, the Court pursuant to 28 U.S.C. § 1447(c) for remand of the above entitled action back to the Superior Court of California, in and for the County of San Mateo.

1 The grounds for this motion are summarized as follows:

2 1) The relevant Defendant to this motion – i.e., the Defendant whose presence  
3 destroys complete diversity – is individual Defendant, Roger Sorenson. The relevant cause of  
4 action which permits naming this non-diverse individual Defendant is Plaintiff's sixth claim for  
5 Harassment in violation of the *Fair Employment and Housing Act, California Government*  
6 *Code* §12940(j).

7 2) It is well settled by both California case law and statute that an individual can be  
8 held liable under the Fair Employment Act.

9 3) Because Defendant Sorenson, a California resident, can be held individually liable  
10 for Harassment under the Fair Employment and Housing Act, Defendants cannot show diversity  
11 and removal is improper and this matter must be remanded to the state court to decide these  
12 purely state law claims.

13 This motion is based on this Notice of Motion and Motion for Remand the Memorandum  
14 of Points and Authorities in Support of the Motion below, and all papers, records, and pleadings  
15 on file herein; and on such other oral and documentary evidence as may be presented at the  
16 hearing on the motion.

17  
18 Dated: March 20, 2013

LAW OFFICE OF KENNETH C. ABSALOM

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20 By: /s/ Kenneth C. Absalom  
Kenneth C. Absalom  
James J. Achermann  
Attorneys for Plaintiff  
21 KHAN MICHAEL ORDONEZ  
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